



City of Petaluma, California

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Planning Commission Minutes
June 8, 2004 – 7:00 PM

Commissioners: *Present:* Asselmeier, Barrett, Dargie*, Harris, McAllister, Rose, von Raesfeld
Absent: Asselmeier

* Chair

Staff: George White, Assistant Director, Community Development
Jayni Allsep, Project Planner
Anne Windsor, Administrative Secretary

ROLL CALL:

APPROVAL OF MINUTES: Minutes of May 25, 2004 were approved as presented. M/S Rose/Barrett 6-0, Harris abstained.

PUBLIC COMMENT: Geoff Cartwright, discussed Rainier over cross approved by the Council last evening.

DIRECTOR'S REPORT: None

COMMISSIONER'S REPORT: Commissioner Dargie proposed discussion of General Plan Workshop schedule to take place after public hearing item. Schedule was passed out at places.

CORRESPONDENCE: None

APPEAL STATEMENT: Was noted on the agenda.

LEGAL RECOURSE STATEMENT: Was noted on the agenda.

Public hearing began: @ 7:00

PUBLIC HEARING:

NEW BUSINESS:

**I. RIVERVIEW SUBDIVISION, McNear Avenue at Mission Drive
AP No.: 019-210-017, 019, 027, 030, 031, 037**

1 **File: 03-PRZ-0187**
2 **Planner: Jayni Allsep**

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4 Applicant is requesting a recommendation to the City Council of a proposal to 1) prezone
5 the property at McNear Avenue near Mission Drive totaling 22.9 acres to Planned Unit
6 Development (PUD); 2) to annex the prezoned property to the City of Petaluma and 3) to
7 subdivide a 17.11-acre portion of the property into 63 residential lots.

8
9 Continued from May 11, 2004

10
11 Jayni Allsep presented the staff report.

12
13 Frank Denney, Cobblestone Homes: Presented the changes to the project since the last
14 Planning Commission meeting of May 11, 2004. Introduced the arborist and went over
15 the evolution of the project. Suggested creation of a Landscape Lighting Assessment
16 District or a Special Tax district instead of a Home Owner's Association to cover
17 maintenance of play area, open space and water quality structures.

18
19 Becky Duckles, arborist: Discussed her report included as Attachment G to the Staff
20 Report. Reviewed the trees retained.

21
22 Commissioner McAllister: Asked arborist's opinion regarding saving trees 108-110 and
23 86 and 87.

24
25 Becky Duckles: Did not see any way to save these trees.

26
27 The commission identified the following issues for discussion:

- 28 ▪ Rear yard setbacks
- 29 ▪ Landscape Buffer vs. Fences on Lots 38-42.
- 30 ▪ Preservation of Trees on private property
- 31 ▪ Play area/open space
- 32 ▪ Infiltration/storm water
- 33 ▪ Tree Preservation
- 34 ▪ Use of the Church
- 35 ▪ Open Space dedication

36
37 **Rear Yard Setbacks:**

38
39 Commissioner McAllister: Rear yard setback issue: minimum is 15 feet, most cases the
40 yards meet that, however, lots 1, 3, 5, & 7, 11, 13 also. Lots 10 and 11 are also tight.
41 Asked other Commissioner's opinions on these lots. Lots on Jacquelyn Lane and
42 Mission , 43-47 and 39-42 – fencing will be odd visually. Can yards come down slope
43 with perimeter as a landscape easement? Lots 43-47 there are some plantings proposed –
44 feel that is a good thing. Not visually as prominent because there are down hill fences as
45 opposed to up hill.

46

1 Commissioner Barrett: My concern is units 2, 4 and 6 because they have a living unit in
2 the garage. Would prefer no bonus room on the above lots; and potentially 18 and 20 as
3 well.

4
5 Frank Denney: Will agree that Lots 2, 4 and 6 will have one-story garage.

6
7 Commissioner Barrett: Agree about the uphill fencing – landscape buffers would
8 enhance.

9
10 Commissioner von Raesfeld: Agree with Commissioner McAllister regarding lots 1, 3, 5
11 & 7 – solution lies in the architecture as well as the development plan. Do not think it's
12 an egregious situation.

13
14 Commissioner Barrett: PUD ties SPARC's hands – design guidelines need to be subject
15 to SPARC approval and changed if necessary. Need to move forward in a way that does
16 not tie SPARC's hands.

17
18 George White: We can make clear in a condition that final design guidelines are subject
19 to SPARC approval.

20
21 Ira Bennett: Sounds as if you are recommending that SPARC can change the house plan
22 type. This would be trying to make the site work from scratch. Changes we are talking
23 about can be minor, such as window placement.

24
25 Commissioner von Raesfeld: Possibly introduce a modified plan to those lots now.

26
27 Frank Denney: Will maximize the rear yards based on the architecture and modify the
28 PUD accordingly.

29
30 Ira Bennett: This is a SPARC issue to make changes to the PUD on those particular lots.

31
32 Frank Denney: Lots 2, 4 and 6 can be two-story, SPARC will look at these lots regarding
33 privacy issues.

34
35 **Landscape Buffer vs. Fences on Lots 37-42:**

36
37 Bonnie Diefendorf: Those 5 lots were a challenge. All lots have a useable patio space –
38 will put in retaining walls.

39
40 Commissioner Barrett: Concur with Commissioner McAllister though some creative
41 solutions are possible in these uphill lots.

42
43 Commissioner McAllister: Can they be treated the same as lots 43-47 with trees for
44 mitigation.

45
46 Commissioner von Raesfeld: Final landscape plan could include trees for screening in
47 the rear of lots 37-42.

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Preservation of trees on private property:

George White: It is difficult to preserve trees on private property.

Jayni Allsep: Want the issue addressed in the PUD as well ad the CC&R's, since the City does not enforce CC&Rs.

Commissioner Barrett: Asked for clarification of conservation easement.

George White: Would prevent homeowners from cutting down trees in the easement and it would only be specified trees.

Ira Bennett: Asked the commission to work with staff and the City Attorney to draft the language for the conservation easement.

Commissioner Barrett: Suggested lots 35, 59, 49, 16 to have conservation easement.

Chair Dargie: Want significant native trees to be addressed only.

George White: Staff could provide a list to the council.

Play area/open space:

Commissioner Rose: My intent was not to get rid of retention ponds. My concern was that the design of retention ponds not be a liability for part of the year. Need homeowners to oversee some of the tree preservation – needs to be seen as a community effort.

Commissioner von Raesfeld: I am split on this issue.

Commissioner McAllister: My primary concern would be the upkeep of the trees. Believe trees in the open space would be best served by the City.

George White: Jim Carr is suggesting a property tax assessment.

Frank Denney: Have just done this in Santa Rosa, suggest a special tax bill.

Commissioner McAllister: Would prefer that to a Homeowner's Association.

Chair Dargie: Confirmed the special tax district is intended for open space, path, park maintenance and the storm water filtration system.

Commissioner Rose: Homeowners Association would provide the information to the homeowners regarding the assets that need to be preserved such as the park, open space, trees, etc.

1 Frank Denney: Usually if there are no strong elements, Homeowner's Association may
2 dissolve.

3
4 Commissioner Rose: That is why I suggest the Home Owners Association manage all of
5 the above.

6
7 Council Member Harris: I believe a special tax district is the best solution.

8
9 Craig Spaulding: What the applicant is proposing is the first in Petaluma – City would
10 not want to maintain.

11
12 Commissioner Barrett: Trees determined to be significant and warrant conservation
13 easement could be designated as a Heritage Trees.

14
15 George White: This still does not address the greater good for the community.

16
17 Commissioner Barrett: Trees could be added to Heritage Tree list.

18
19 Ira Bennett: City of Petaluma does not have a tree ordinance – this would solve the issue
20 citywide.

21
22 **Infiltration/Storm Water:**

23
24 Commissioner von Raesfield: Do not want the City to be responsible for maintenance,
25 particularly if the ponds do not work and maintenance is more of an issue down the road.

26
27 Frank Denney: Would be taken care of by special tax district.

28
29 Commissioner Barrett: Would need to have wording in the special tax district for
30 replacement funds.

31
32 George White: Suggested staff work with the applicant and the City Attorney.

33
34 **Tree Preservation:**

35
36 Commissioner McAllister: Appreciate the efforts of the applicant. Heritage trees are a
37 community asset. Looked at the trees being removed – tried to find a practical solution
38 for saving some trees and could not without losing several lots. Rovina Lane come up
39 the hill between the tree groupings 108, 109 and 110 and 106 and 107- pull the center line
40 of street between those tree groupings. Looks as though the contour could work – do not
41 necessarily need to lose lots. Provided a sketch for the applicant. Difficult to let 86 and
42 87 go – looked at curving Quarry Street and retain those trees. Also suggested changing
43 the location of the play area to take advantage of the trees.

44
45 Commissioner Rose: Have the most concerns with tree 87 – suggested some revisions to
46 preserve trees 85, 86 and 87 and lose 83 and 84.

47

1 Commissioner von Raesfield: Suggested swapping residence on lot 49 and making that
2 the play area.

3
4 Frank Denney: Believe that we have a good circulation plan – do not want to have to go
5 back and revisit these things at this juncture.

6
7 Bonnie Diefendorf: Need both accesses on Rovina to serve the number of lots – cannot
8 get rid of Rovina Lane. Putting Rovina between two groups of trees would be more
9 grading than you may be aware of. Feel we have made our best effort to save as many
10 trees as possible. Do not believe shifting road alignment will accomplish what you are
11 requesting.

12
13 Commissioner von Raesfield: Asked about the swapping of lot 49 for the play area.

14
15 Bonnie: Play area is flat and lot 49 has quite a slope.

16
17 Break @ 9:10.

18
19 Resumed @ 9:20.

20
21 Commissioner McAllister: Would like to see the ideas regarding saving the significant
22 trees discussed explored. Have strong feelings about these particular trees. Would like to
23 see if this concept would work to save these trees because the loss of the trees cannot be
24 mitigated. I am hopeful that this is a solution that could work. If this is explored and the
25 trees could be saved it would be an asset to the subdivision. Perhaps one to two-foot
26 retaining walls are part of the solution. The solution places both of the tree masses on
27 public land and would be part of the special tax district and could be preserved.

28
29 Commissioner Rose: Echo Commissioner McAllister. Suggest that we direct staff to
30 work with the applicant because some of these trees are an asset to the development. We
31 are not asking to save all of the trees. Recommend that we include Commissioner
32 McAllister's concept and direct the applicant to develop an alternate plan to be presented
33 to the City Council that would retain the significant trees discussed.

34
35 Chair Dargie: Understand the applicant has made some changes; however, there may be
36 a concept to be explored that would benefit the applicant and the City.

37
38 George White: We could assess the feasibility of the alternate plan concept before going
39 to council. This would require the applicant's cooperation and sufficient time for staff to
40 review the information submitted by the applicant prior to the City Council hearing.

41
42 Frank Denney: Would gladly consider your idea and work with staff, however, we would
43 like to move forward tonight.

44
45 Commissioner von Raesfeld: Asked Commission to weigh in on swapping lot 49 for the
46 play area.

1 George White: The alternative plan could also include swapping Lot 49 for the play area.

2

3 Commissioner Barrett: Suggested Ed Anchordouguy be involved in evaluating the
4 alternate plan.

5

6 George White: The applicant's arborist should also be involved in developing the
7 alternate plan .

8

9 Becky Duckles: Regarding swapping lot 49 for the play area to save trees - outlet for
10 public trail is difficult near private residences. I, however, welcome the opportunity to
11 review the sketch.

12

13 Commissioner McAllister: I support having the play area in an area with trees instead of
14 where it is proposed.

15

16 Commissioner Barrett: Regarding the PUD Development Standards –there are two items
17 which are too restrictive, pgs. 5 and 6, solar system restrictions, causing glare. Do not
18 want to see restrictions for upgrading to solar. No signs displayed in public view – do not
19 think freedom of speech should be restricted.

20

21 Committee Consensus:

22

23 Direction to SPARC for units 1, 3, 5 & 7; look at 2-story garages on 2, 4, and 6 regarding
24 privacy; fencing on lots 37-42 – planting reviewed by SPARC; use conservation
25 easement to designate significant native trees, exhibit or list would be compiled for City
26 Council consideration; explore the adequacy of a special tax district to maintain storm
27 drain system; explore Commissioner McAllister's conceptual alternate plan subject to
28 staff review before going to Council, including the possibility of swapping Lot 49 for
29 proposed play area; tree #26 on lot 16 evaluated in terms of street width; rework PUD
30 guidelines re: solar and signs; seek Heritage Tree status for trees on conservation
31 easement to be done as part of council action.

32

33 Commissioner McAllister: Requested copies for the Commission on the Council Agenda
34 Bill.

35

36 M/S Rose/Harris to adopt a mitigated negative declaration, prezone to PUD, subdivide
37 property into 63-residential lots. 6-0, Asselmeier absent.

38

39 Discussion regarding General Plan Workshops:

40

41 Commissioner Rose: Want to direct our time and attention to update the alternatives
42 from what was presented and what is happening. Would like some background on how
43 we arrived at where we are so we can begin from the same point.

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45 Commissioner Barrett: Want the meeting covered by the access channel.

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47 George White: Can look into this.

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Commissioner von Raesfeld: Suggest Commissioner's get the public notice that is mailed.

Chair Dargie: Want to have the opportunity to explore what we need to explore – appreciate a road map, however, may need to veer from the map.

Consensus: Schedule first two meetings, others on as needed basis. Need to know Commissioner's availability to make sure there is a quorum.

Public hearing ended at 9:55 p.m.

III. LIAISON REPORTS:

- a. **City Council:** Continuing with budget hearings. Next meeting is tomorrow night. On schedule for June 21st as budget adoption.
 - b. **SPARC:** Basin Street Properties ghosting of warehouses on 1st Street. SPARC felt it was a minimal attempt and was not in keeping with the condition of approval, item was continued to a date uncertain; Valente appeal re: wood windows, appeal denied; Adobe Creek Center at Lakeville and South McDowell was approved; preliminary review for 101 Casino.
 - c. **Petaluma Bicycle Advisory Committee:** None.
 - d. **Tree Advisory Committee:** None.
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Adjournment: 10:05 p.m.
